

N8B6AHMC

Criminal Conference

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
2-----x

3 UNITED STATES OF AMERICA,

4 v.

23 CR 340 (VM)

5 SHAKEEB AHMED,

6 Defendant.

7 -----x
8 New York, N.Y.
9 August 11, 2023
10 11:05 a.m.

11 Before:

12 HON. VICTOR MARRERO,

13 District Judge

14 APPEARANCES

15 DAMIAN WILLIAMS,
16 United States Attorney for the
17 Southern District of New York
18 BY: DAVID FELTON
19 Assistant United States Attorney

20 VEDDER PRICE P.C.
21 Attorneys for Defendant
22 BY: ADAM L. SCHWARTZ
23 JUNAID A. ZUBAIRI
24 SAMUEL M. DEAU

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1 (Case called)

2 THE COURT: This is a proceeding in the matter of
3 *United States v. Ahmed.* It's Docket Number 23 CR 0340.

4 Counsel, please enter your appearances for the record.

5 MR. FELTON: Good morning, your Honor. AUSA
6 David Felton, for the government.

7 MR. SCHWARTZ: Good morning, your Honor.
8 Adam Schwartz. I'm joined by Junaid Zubairi and Samuel Deau,
9 from Vedder Price, on behalf of the defendant Shakeeb Ahmed,
10 who's present before the Court.

11 THE COURT: Good morning.

12 THE DEFENDANT: Good morning.

13 THE COURT: I scheduled this proceeding as the initial
14 status conference on the matter following the guilty plea
15 entered by the defendant on the two counts of indictment of
16 July 11 and following his arraignment before Magistrate Judge
17 Lehrburger on both counts.

18 MR. SCHWARTZ: Your Honor, just to clarify, the not
19 guilty plea.

20 THE COURT: Sorry. I apologize. He pled not guilty
21 on both counts on July 11 before Magistrate Judge Lehrburger.
22 The government sought a protective order governing discovery in
23 this matter, which was entered by the Court on July 31, 2023.

24 Mr. Felton, would the government bring the Court up to
25 date on any other developments on the matter, in particular the

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1 discovery schedule and any discussions that the parties may be
2 involved in?

3 MR. FELTON: Certainly, your Honor.

4 With respect to discovery, earlier this morning, the
5 government made a substantial – over 90-gigabyte production –
6 of discovery materials. A large chunk of that is the Google
7 search warrant return. It also produced search warrant
8 applications, subpoena returns, law enforcement reports,
9 various applications, and materials.

10 With respect to additional discovery, on the day of
11 the arrest, there was a search warrant executed at the
12 defendant's premises, and 27 electronic devices were seized
13 pursuant to the warrant. The government has been able to image
14 approximately 11 of those 27 devices, and is continuing to work
15 to image the additional devices that it hasn't yet been able to
16 image. As soon as the government receives the images of those
17 devices, which it expects to do shortly, it will copy them and
18 produce them to the defendant.

19 With respect to other discovery, there are a few
20 additional law enforcement reports and subpoena returns that it
21 intends to produce, as well as an image of the defendant's
22 laptop from his former employer.

23 THE COURT: All right. Thank you.

24 While we're talking about discovery, let me return to
25 a housekeeping matter concerning the compliance with Rule 5(f).

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I direct the government to comply with its obligations under *Brady v. Maryland*, and its progeny, to disclose to the defendant all information, whether admissible or not, that is favorable to the defendant, material either to guilt or to punishment, and known to the prosecution.

Possible consequences for noncompliance may include dismissal of individual charges or the entire case, exclusion of evidence, and professional discipline or court sanctions on the attorneys responsible.

I will be entering a written order more fully describing this obligation and possible consequences of failing to meet it. And I direct the government to review and comply with that order.

Mr. Felton, does the government confirm that it understands this obligation and will fully comply with it?

MR. FELTON: Yes, your Honor. The government understands and will comply with the Court's order.

THE COURT: All right. Thank you.

Mr. Schwartz, does the defense have anything to add to what the government has indicated about the status of the matter?

MR. SCHWARTZ: No, your Honor. We spoke with the government yesterday, and given the size of the initial discovery – it's about 90 gigabytes that we received this morning – we think it's best just to get a sense of timing to

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1 perhaps set another scheduling conference in October to advise
2 the Court of where we stand, and then perhaps set certain
3 deadlines for the matter as we'll then have a better sense of
4 where we stand with respect to the review of discovery. We
5 would hope at that time the government would be able to
6 complete its discovery.

7 THE COURT: All right. Thank you.

8 Mr. Felton, is there a motion on that request?

9 MR. FELTON: Other than a Speedy Trial motion, no,
10 your Honor. We agree with the defense, a conference in October
11 makes sense given the substantial discovery produced this
12 morning and that will continue to be produced up until that
13 conference.

14 THE COURT: And your motion is?

15 MR. FELTON: Your Honor, we move to exclude time
16 from today until October 20th under the Speedy Trial Act
17 18 U.S.C. Section 3161(h)(7)(A). We respectfully submit such
18 an exclusion would be in the interest of justice. This would
19 allow the defendant time to review discovery, contemplate any
20 motions, and for the parties to continue to discuss a potential
21 pretrial resolution.

22 THE COURT: Thank you, Mr. Schwartz.

23 MR. SCHWARTZ: We have no objection, your Honor.

24 THE COURT: On the government's motion to exclude
25 adjourned time from Speedy Trial calculations from today

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1 through October 27, no objections recorded by the defendants,
2 the motion is granted. I find that the reasons conveyed to the
3 Court warrant an exclusion of time as it is intended to ensure
4 the effectiveness of counsel and to prevent any miscarriage of
5 justice. The Court is satisfied that the ends of justice
6 served by the granting of this continuance outweigh the best
7 interests of the public and the defendant in a speedy trial.

8 This order of exclusion of time is entered pursuant to
9 the provisions of the Speedy Trial Act, Title 18, U.S.C.,
10 Section 3161(h)(7)(B)(I) and (IV).

11 I misspoke before. The exclusion is through
12 October 20, not 27.

13 Is there anything else from the parties?

14 Mr. Felton?

15 MR. FELTON: No, your Honor. Is there a time set for
16 the conference on that date, or will it be a status report?

17 LAW CLERK: Does 2:00 o'clock work?

18 MR. FELTON: Yes, your Honor.

19 MR. SCHWARTZ: Yes, your Honor. Thank you.

20 THE COURT: 2:00 o'clock on the 20th of October.

21 If there's nothing else, I thank you. Have a good day
22 and a good weekend.

23 (Adjourned)